IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9006 OF 2003

Batoolbi Shaikh Sandu ..Petitioner.
Vs.
Shabbir Ahmed S/o Ab. Khalique & Ors. ..Respondents.
...

Mr. P.N. Joshi for the Petitioner.
Mr. C.G. Gavnekar for Respondent Nos.1 to 5, 7 to 9.
...

CORAM: DR. D.Y. CHANDRACHUD, J.

6th July, 2006.

P.C. :

The Appellate Court while reversing the judgment of the Trial Court decreed the suit for eviction. The Appellate Court has correctly come to the conclusion that a decree for eviction under Section 12(3)(a) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 as it then stood will have to be passed. The tenant was served with the demand notice dated 15th August, 1981. There was neither any compliance with the demand nor was an application for fixation of standard rent filed within a period of 30 days. A decree for eviction had to follow, the ground of default in payment of rent having stood established. In the circumstances

there is no merit in the Petition. The Petition is accordingly dismissed. Time to vacate the premises is granted until 31st December, 2006, subject to the filing of the usual undertaking within a period of four weeks from today.